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SUBJECT: MALDIVES: DEMOCRACY IS NO DAY AT THE BEACH

Classified By: AMB. J. LUNSTEAD FOR REASONS 1.4(b) and (d)

11. (SBU) Summary. On a recent trip to Maldives, poloff spoke with government officials and members of the newly registered opposition Maldives Democratic Party (MDP) about the country's improvements to the police and judicial systems and its transition to multi-party democracy. While the Government of the Republic of Maldives (GORM) seems to be making some progress in improving human rights and instituting democratic processes, the road ahead remains long and arduous. End summary.

POLICE AND JUDICIAL SYSTEM

12. (SBU) The Maldives recently bifurcated its police from its National Security Services. Police Commissioner Adam Zahir told poloff that he wants the police to be "a service, not a force." He mentioned that his team is in contact with neighboring countries' police services to share best practices, and that the Maldivian police also received some training from the USG. He added that many lawyers from the Maldives were going abroad for training and returning with broader knowledge. He also said that the police service's projected 5-year plan includes allotting an island for training purposes. The island's institute will be a law enforcement academy to provide training for police, customs, immigration, and emergency response officers. Zahir expects that officers who have returned from education programs abroad will act as the "backbone" for the proposed training facility.

13. (SBU) At separate meetings, both Zahir and Principal Government Spokesman Ahmed Shaheed told poloff that in the past, the government has been guilty of human rights abuses. They said that the abuses were a result of a deeply flawed institutional system. They were confident that with greater education for the police and with some new safeguards in place, abuses will be limited. In terms of protecting individual rights, Zahir noted that the police were attempting to phase out confessions as an admissible form of evidence in court in order to eliminate forced confessions. Shaheed also said that while Maldivian law does not yet require arresting officers to inform detainees of their rights (similar though not identical in language to US Miranda rights), the GORM is encouraging all officers to institute the practice.

14. (SBU) Zahir outlined the current legal system. Detainees in the Maldives are permitted to hire a lawyer, though the court will not appoint one. An arrestee's family must be informed of his/her arrest within 24 hours. A prisoner has the right to a ruling on his/her bail within 36 hours. Also, the arresting officer must present evidence to a legal committee within 24 hours. The committee can then recommend detainment for up to 7 days for further investigation. After 7 days, the officer can petition a second committee, which can recommend detention for a maximum additional 15 days. After this 22 days' time has expired, if there is still insufficient evidence, the prisoner is released. If the officer can move forward with the case, it is sent to the Attorney General, who then forwards the case to court for a hearing.

15. (U) Despite the stated attempts to respect the rights of arrestees, during poloff's meeting with members of the MDP, they complained that the police still use trumped up charges to harass those that oppose the government. They cited cases of journalists who published articles criticizing the government being detained for questioning. However, they did say that they noticed a decline in instances of abuse in police custody.

HUMAN RIGHTS COMMISSION

16. (SBU) In order to address some of these concerns, President Gayoom created the Human Rights Commission by decree in December 2003, and he appointed commissioner Ahmed Mujthaba. Despite being personally selected by the leader in power, Mujthaba is an outspoken critic of the government. He told poloff the GORM had been involved in wrongful detentions, abductions, using excessive force at demonstrations, and allowing uninhabitable prisons to

continue functioning. Like Zahir and Shaheed, he blamed institutional problems that permitted abuses to go unchecked.

17. (SBU) Mujthaba said that the Commission had a role in informing the public of their rights. To that end, Commission employees had been distributing Dhiveihi (local language) copies of the United Nations' Universal Declaration of Human Rights to the general public. However, on July 5, the Commission received a letter from the government's Supreme Council for Islamic Affairs stating that as long as Article 16, pertaining to banning forced marriages and permitting inter-religious marriage, and Article 18, calling for freedom of religion and permitting religious conversion, were a part of the document, possession of copies of the Declaration was a criminal offense. The leader of the Supreme Council is also the country's Chief Justice, and clause 4(a) of Law 4/75 gives the Supreme Council the authority to ban certain items. However, Shaheed told poloff that the Office of the President did not support the Supreme Council's position, and Attorney General Hassan Saeed said that his office would never prosecute anyone for possession of the Declaration. On July 11, Shaheed released a public statement in the Maldives announcing that the government supports international human rights standards and that the Supreme Council's statement had no legal basis for enforcement.

18. (SBU) Mujthaba complained that his Commission was not independent because the Office of the President retained control of appointments and dismissals from the Commission. He wants the Commission to be codified in law so it can gain credibility and acceptance in the international community.

ELECTIONS AND POLITICAL PARTIES

19. (SBU) The last several Presidential votes in the Maldives were referenda rather than elections. Mujthaba told poloff that his Commission sent 19 monitors to the last Majlis (parliament) election on January 22. The monitors reported 8 procedural improvements, but 12 irregularities that indicated that the elections were not/not "free and fair elections without undue influence." The MDP continues to voice fears that the GORM will permit parties, but not free elections.

10. (C) The government is still putting together a party and gathering the 3000 signatures required to initiate the official registration process, but it has not yet released a party-wide policy statement. As of now, the MDP is the only officially registered party. The MDP's platform remains anti-government and anti-President Gayoom, with democratization as its mobilizing appeal. The Islamic Democratic Party, the Justice Party, and the Labor Party are all also attempting to gather enough signatures to begin registration. The registration deadline for parties was set to be at the end of July, but Attorney General Hassan Saeed told poloff that if only the MDP and the government's party were registered by that time, he would extend the deadline to allow for at least one more party.

11. (U) According to reports from members of the MDP, as well as journalists and government officials, the Islamic Democratic Party has a strong political platform but no real Islamic roots. The Justice Party, on the other hand, is reportedly comprised of Orthodox Muslim clergy and Islamic scholars who are looking for a platform to discuss theology.

12. (SBU) On June 30, the Human Rights Commission held a meeting for the various parties to relay their positions, ostensibly on human rights. According to Mujthaba, who attended the meeting, the Labor Party representatives said they wanted to ratify the portions of UN covenants on civil and political rights and social, economic, and cultural rights that did not violate the Maldivian Constitution or the tenets of Islam. Mujthaba said that the Islamic Democratic Party professed a similar platform. However, Mujthaba quoted members of the Justice Party as saying that multi-party democracy is "a bastard child" that is anathema to Islam and Maldivians must reject it. Mujthaba said that government representatives admitted to past human rights abuses but said they sought to improve and encompass minority views. According to Shaheed, the meeting was most heavily attended by MDP supporters who tried to shift focus from a general discussion to pointing blame at the President and his government. Mujthaba noted that the MDP did not offer its own platform, but only a criticism of current practices.

THE MDP AND THE GOVERNMENT: A CYCLE OF MISTRUST

13. (U) Members of the MDP have repeatedly told Emboffs that they place no credence in the government. They are convinced that the current reforms are a facade designed to impress the

donor community while not actually providing further rights to Maldivians. MDP members continue to hold rallies at various atolls to garner support for their movement. They remain highly critical of government practices, and they interface with embassies in Colombo to try to draw international attention to their cause.

14. (C) Shaheed admitted that the government created some of its own credibility problems with the MDP. However, he countered the MDP allegations by saying that its members are overly suspicious of the government's bona fide attempts at reform, and that many MDP members hold a personal grudge against the President. Shaheed told poloff that the MDP demands change in ways that the West understands, but that confuse Maldivians. He said that the vast majority of Maldivians do not understand multi-party democracy, and if the government permits too much dissent, it will lose public respect in the face of opposition.

15. (SBU) Poloff asked Shaheed whether the MDP and the government were in a political Cold War, with each side trying to take pre-emptive actions against the other. For example, on the day Parliament approved the existence of political parties, the government detained four MDP members out of fear that they would incite violence. For their part, the MDP often goes to the international community with suspicions that human rights violations might be imminent. Shaheed agreed that this was a major problem for the two groups. He was confident, however, that evolution, rather than revolution, will slowly bring a multi-party democracy to fruition in the Maldives.

OTHER LOCAL PERSPECTIVES

16. (C) Ismail Nazeer, a journalist for the daily paper Haveeru (please protect) posited that while the move to multi-party democracy is positive, the people still equate power with the President. Nazeer saw problems with both the government and the MDP. He criticized the government's monopoly on media and said that of the three daily newspapers, two are owned by cabinet ministers and the third is owned by the President's brother-in-law. Yet he faulted the MDP as well, echoing other critics in saying that the MDP provides no viable alternatives and exists for the sole purpose of removing the current government from power.

17. (C) UN Development Program (UNDP) Officer Nashida Sattar told poloff that there are still many bumps on the road to democracy. However, she was hopeful, because in her view, politicians were responding to the public's needs for the first time.

COMMENT

18. (SBU) The current President has been in power for 27 years. Many of the people demanding reform, including several MDP members, are too young to have a political memory of a regime before the current one. Their ideas about democracy have been formed through outside influences, including satellite television and the internet. They are unfamiliar with the history of democratic development, but they see democratic successes in the rest of the world and want reform instantly.

19. (C) The GORM, for its part, wants to manage change and bring about democracy piece-meal. Mujthaba told poloff that his hunch was that the President was sincere in his efforts at reform, but that he was hampered by relatives and friends who stand to lose if the government shifts. Shaheed told poloff that the President, now in his late seventies, sees multi-party democracy as a way to end his reign and leave a legacy. Post agrees with Mujthaba's assessment. The government's actions indicate that it seeks a move to democratic processes, but the greatest fear for many people in power is the immediate and complete overhaul that some reformers are demanding. The Maldives is on the road to democracy, but there are pitfalls and obstacles on the path.
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